

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on October 4, 2012, with the briefing starting at 11:30 a.m. in Room 5ES and the public hearing at 1:31 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Gloria Tarpley, Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Robert Abtahi, Emma Rodgers, Tony Hinojosa, Myrtl Lavallaisaa, John Shellene, Bruce Bernbaum, Sally Wolfish and Paul E. Ridley. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Ann Bagley and Michael Schwartz. There are no vacancies.

The City Plan Commission was briefed by staff on each item on the agenda and a question and answer period followed each briefing.

A variety of dockets, requests and briefings were presented to the Commission during the open public hearing. The applicants or their representatives presented their arguments, citizen comments were heard, and using the information and staff recommendations in the hearing dockets, the Commission took the following actions.

NOTE: For more detailed information on discussion on any issue heard during this briefing and public hearing, refer to the tape recording retained on file in the Department of Sustainable Development and Construction. Briefing and public hearing recordings are retained on file for 90 days after approval of CPC minutes.

PUBLIC HEARINGS:

Subdivision Docket

Planner: Paul Nelson

Pursuant to Texas Local Government Code Section 212.009(e) these minutes and recording of the hearing certify the reasons for denial of any plat application.

Building Line Removals:

(1) S112-203

Removal of Building Line Motion: It was moved to **approve** an application to remove the existing platted 10 foot and 25 foot Building Lines on Hargrove Drive and to remove the existing platted 25 foot building line with the finding of fact that removal of the platted building lines will not require a minimum front, side, or rear yard setback line less than required by the zoning regulation on Sheila Lane on property located on Sheila Lane at Hargrove Drive, west corner, subject to compliance with the conditions listed in the docket.

Maker: Hinojosa
Second: Ridley
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar
Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Replat Motion: It was moved to **approve** an application to replat a 2.4538 acre tract of land containing part of Lots 6, 6A, and 7 in City Block J/5775 into one lot on property located on Sheila Lane at Hargrove Drive, west corner, subject to compliance with the conditions listed in the docket.

Maker: Hinojosa
Second: Ridley
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar
Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Speakers: None

(2) **S112-204**

Removal of Building Line Motion: It was moved to **approve** an application to remove the existing platted 52 foot and 25 foot building lines on Glencoe Street; and to remove the existing 54 foot Building Line along McMillan Street with the finding of fact that removal of the platted building lines will not require a minimum front, side, or rear yard setback line less than required by the zoning regulation; be contrary to the public interest; adversely affect neighboring properties; or adversely affect the plan for the orderly development of the subdivision both Building Lines are on Lot 1, City Block U/2923 and located at 3736 Glencoe Street and 3737 McMillan Street, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Hinojosa
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish*, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

* out of the room, shown voting in favor

Replat Motion: It was moved to **approve** an application to replat a 3.6952 acre tract of land containing all of Lot 1 in City Block U/2923 and all of Lot 5 in City Block T/2922 at 3736 Glencoe Street and 3737 McMillan Street, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Hinojosa
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish*, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

* out of the room, shown voting in favor

Speakers: None

Residential Replat:

(3) **S112-205**

Motion: It was moved to **deny** an application to replat a 0.667 acre tract of land containing all of Lot 9A in City Block 10/5445 to create one 0.316 acre lot and one 0.351 acre lot on property located at 8034 Forest Trail, due to non-compliance with Section 51A-8.503(a) of the Dallas Development Code.

Maker: Shellene
Second: Abtahi
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Speakers: For: Sheila Roidopoulos, 8044 Forest Trl., Dallas, TX, 75238
Colera Pope, 8061 Forest Trl., Dallas, TX, 75238
Against: None

Miscellaneous Docket

Z078-159

Planner: Neva Dean

Motion: It was moved to **approve** an extension of a development schedule for a 12 month period for an amendment to the Zone 1 portion of Planned Development District No. 184 on the northeast corner of Carlisle Street and Cedar Springs Road.

Maker: Ridley
Second: Hinojosa
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Speakers: For (Did not speak): Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Against: None

W112-020

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to amend and expand Planned Development District No. 855 for MF-2(A) Multifamily District uses on the northwest corner of South Lancaster Road and Atlas Drive.

Maker: Rodgers
Second: Wolfish
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Speakers: For: Vernon Smith, 17403 Energy Ln., Dallas, TX, 75252

Against: None

W112-021

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to amend Specific Use Permit No. 1824 for an open enrollment charter school on property zoned an RR Regional Retail District on the west line of South R.L. Thornton Frontage Road, south of West Kiest Boulevard.

Maker: Abtahi
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Speakers: None

D112-012

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan for Planned Development District No. 799 on the west side of Amesbury Drive, between Milton Street and East Lovers Lane.

Maker: Ridley
Second: Tarpley
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Speakers: None

D112-013

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan for Planned Development District No. 742 on the northeast side of Northwest Highway, west of Skillman Road.

Maker: Ridley
Second: Tarpley
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. Z112-238(OTH)

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of an amendment to and renewal of Specific Use Permit No. 1486 for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and revised conditions to include: 1) Hours of Operation - Monday thru Saturday 7:00 a.m. to 7:00 p.m. and Sundays from 1:00 p.m. to 7:00 p.m. and 2) Removal of the southern portion of the site on property zoned an MU-1 Mixed Use District on the north side of Wheatland Road and the east side of Cockrell Hill Road.

Maker: Lavallaisaa
Second: Wally
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 300 Mailed: 10
Replies: For: 0 Against: 0

Speakers: None

2. Z112-253(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 351 for a Day care center, Nursing home, Residence home for the aging, Child care institution, Health center, and Community Center, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District and a D(A) Duplex District in an area generally bounded by Fulton Street, Reiger Avenue, Juliette Fowler Street and Santa Fe Avenue.

Maker: Ridley
Second: Wally
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 400 Mailed: 209
Replies: For: 20 Against: 5

Speakers: For (Did not speak): Robert Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

3. Z112-302(MW)

Planner: Megan Wimer

Motion: In considering an application for a Specific Use Permit for an open-enrollment charter school on property within Planned Development District No. 37 on the west corner of Hargrove Drive and Sheila Lane, it was moved to **hold** this case under advisement until November 1, 2012.

Maker: Hinojosa
Second: Wally
Result: Failed: 4 to 9

For: 4 - Wally, Hinojosa, Lavallaisaa, Wolfish

Against: 9 - Davis, Anglin, Abtahi, Rodgers, Tarpley,
Shellene, Bernbaum, Ridley, Alcantar
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Motion: It was moved to recommend **approval** of a Specific Use Permit for an open-enrollment charter school for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, traffic management plan and conditions on property within Planned Development District No. 37 on the west corner of Hargrove Drive and Sheila Lane

Maker: Ridley
Second: Abtahi
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 300 Mailed: 13
Replies: For: 2 Against: 2

Speakers: For: Peter Hayes, 900 Clarence Bohls, Pflugerville, TX, 78660
Against: None

Zoning Cases - Under Advisement

4. Z112-295(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1926 for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site/landscape plan and revised conditions to provide for ingress and egress signage on property zoned Subarea 5 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, with a D-1 Liquor Control Overlay on the southwest corner C.F. Hawn Freeway and Great Trinity Forest Way.

Maker: Rodgers
Second: Bernbaum
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 200 Mailed: 11
Replies: For: 1 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

Zoning Cases - Individual

5. **Z112-293(MW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and revised conditions to provide for solid screen fencing adjacent to residential on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay on the southeast corner of South Buckner Boulevard and Jennie Lee Lane.

Maker: Abtahi
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 200 Mailed: 16
Replies: For: 1 Against: 2

Speakers: For: Tailim Song, 13140 Coit Rd., Dallas, TX, 75240
Against: None

6. Z112-105(RB)

Planner: Richard Brown

Motion: In considering an application for **1)** an amendment to and expansion of Specific Use Permit No. 363 for a Cemetery and Mausoleum on property zoned an R-7.5(A) Single Family District, an LO-1 Limited Office District, a GO(A) General Office District with deed restrictions, and **2)** an MU-3 Mixed Use District with deed restrictions, and an LO-2 Limited Office District on that portion of the request site zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District in the southwest quadrant of Greenville Avenue and Restland Road, it was moved to **hold** this case under advisement until November 1, 2012.

Maker: Bernbaum
Second: Wolfish
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 500 Mailed: 26
Replies: For: 3 Against: 1

Speakers: For (Did not speak): Robert Reeves, 900 Jackson St., Dallas, TX, 75202
Against: None

7. Z112-258(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to the development plan and conditions, subject to a revised development plan, revised traffic management plan and revised conditions to the include the following: 1) Section 51P-578.107,(a)(C) to read as follows: "Except as provided below, minimum front yard on Forest lane is 91 feet", 2) Section 51P-578.107,(a)(D) to read as follows: "Minimum front yard on Forest Lane for temporary construction trailers and temporary classrooms buildings is 20 feet", 3) Section 51P-578.107,(a)(E) to read as follows: "Minimum front yard on Forest Lane for the guard station is 20 feet", 4) Add new provision to read: "(G) Off-street parking located in the Forest Lane parking area may extend into the required front yard", 5) Under (d) Height, (B) to read: "Maximum structure height for the windowless fine arts wing fly tower is 70 feet and located as shown on the development plan", 6) Under (d) Height, (C) to read: "Maximum structure height for the wind turbine is 65 feet and located as shown on the development plan", 7) Under (d), Height, add new provision to read: "(G) Maximum structure height for elevator penthouse serving Trent Dormitory Hall and Morgan

Dormitory Hall is 7 feet above occupied floor area”, 8) Section 51P-578-108, OFF-STREET PARKING AND LOADING, (a) staff recommended language requiring code parking for use but not less than 585 spaces, and 9) Section 51P-578.114, TRAFFIC MANAGEMENT PLAN, (c) staff recommended language which requires bi-annual updates beginning in November of each odd year after November 2016 for Planned Development District No. 578 on the south line of Forest Lane, between Welch Road and Inwood Road.

Maker: Bernbaum
Second: Ridley
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 500 Mailed: 204
Replies: For: 15 Against: 7

Speakers: For: Tommy Mann, 5400 Renaissance Tower, Dallas, TX, 75270
Kim Wargo, 4527 Cedarbrush Dr., Dallas, TX, 75229
Pushpa Anand, 4929 Forest Ln., Dallas, TX, 75244
Against: None

8. Z112-287(RB)

Planner: Richard Brown

Motion: It was moved to recommend **denial without prejudice** of a D(A) Duplex District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District with Neighborhood Stabilization Overlay District No. 6 (Cochran Heights) on the north corner of Homer Street and Lee Street.

Maker: Wally
Second: Tarpley
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 200 Mailed: 42
Replies: For: 5 Against: 4

Speakers: None

9. Z112-158(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses, subject to a development plan and revised conditions on property zoned an R-7.5(A) Single Family District and a CR Community Retail District on the northwest corner of Northwest Highway and West Lawther Drive.

Maker: Tarpley
Second: Abtahi
Result: Carried: 12 to 1

For: 12 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Ridley, Alcantar

Against: 1 - Shellene
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Notices: Area: 500 Mailed: 105
Replies: For: 7 Against: 6

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Robert Giesler, 7423 Fenton Dr., Dallas, TX, 75231
Donna Mason, 7272 Walling Ln., Dallas, TX, 75231
Against: Jim Willington, 7466 E. Northwest Highway, Dallas, TX,
Jeff Brightwell, 9630 Liptonshire Dr., Dallas, TX, 75238

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the September 20, 2012, City Plan Commission meetings, subject to corrections.

Maker: Hinojosa
Second: Davis
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the October 4, 2012, City Plan Commission meeting at 3:41 p.m.

Maker: Hinojosa
Second: Wally
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Ridley, Alcantar

Against: 0
Absent: 2 - Bagley, Schwartz
Vacancy: 0

Joe Alcantar, Chair